

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, MARCH 13, 2008
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Jose Hernandez, Troy Overton, Karen Parsons, and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Sandy Bouja, Appeals Hearing Board Secretary
Diane Buchanan, Code Enforcement
Garry McLeod, Code Enforcement
Joe Celio, Code Enforcement
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Hernandez, seconded by Commissioner Parsons, to approve the minutes of February 28, 2008.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **409 S. 5th Street (467-47-068) Summary Abatement**
(Joe Celio, Inspector / Aurora Loan Services LLC, Property Owner)
- b. **49 Kittery Court (706-16-029) Summary Abatement**
(Garry McLeod, Inspector / Edgar A. Camacho, Property Owner)

There were no separate discussions on hearing items regarding 409 S. 5th Street and 49 Kittery Court. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Etienne, seconded by Commissioner Hernandez, to order as follows:

To approve the Consent Calendar and abate the properties.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

5. Deferred and/or Continued Items

a. Adoption of a Resolution of the Appeals Hearing Board Establishing Revised and Updated Rules and Regulations Pertaining to the Organization of the Board, membership, Officers, and Meetings. (Continued from February 28, 2008.)

There was a motion by Commissioner Chu, seconded by Commissioner Etienne, to order as follows:

To approve the resolution of the Appeals Hearing Board establishing the revised and updated rules and regulations pertaining to the organization of the Board, membership, Officers and meetings.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

6. Public Hearings

a. Recycle Plus Liens. The Finance Department requested adoption of a resolution confirming the Director of Finance's report of delinquent Recycle Plus bills for the accounts in a delinquent status as of February 20, 2008, including applicable recording fees, and directs the Director of Finance to place a Special Assessment against the property secured by a lien to be recorded with the Santa Clara County Recorder's Office.

There was a motion by Commissioner Overton, seconded by Commissioner Parsons, to order as follows:

To uphold the Finance Departments request to a place lien on the remaining delinquent accounts with the exception of APN #577-38-015, APN #261-16-013, APN #274-13-040 and APN #451-37-005.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

f. 415 Madison Drive (689-27-043) Proposed Abatement

(Garry McLeod, Inspector / Mary Anne Foley, Property Owner)

Code Enforcement Inspector Garry McLeod testified and gave a brief summary of his inspections and observations of the subject property. Inspector McLeod also presented photos of the weeds on the subject property.

Inspector McLeod stated that he was contacted by the property owner last week and indicated that she would try to find someone to cut the weeds. Inspector McLeod stated that he explained to the property owner the procedures in order to be removed from the Vacant Housing Program.

Property Owner was not present.

There was a motion by Commissioner Parsons, seconded by Commissioner Ruscigno, to order as follows:

To reopen public testimony.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

Inspector McLeod stated that the next step once permission is granted by the Board is to submit to the attorney's office for judicial authorization and it will take at least 45 days to take action. Inspector McLeod stated that debating two weeks is irrelevant.

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne, to order as follows:

To close public testimony.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

There was a motion by Commissioner Ruscigno, seconded by Commissioner Parsons, to order as follows:

To uphold the City's recommendations.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

g. 528 W. Virginia Street (264-41-002) Proposed Abatement
(Garry McLeod, Inspector / Michael V. Bondarenko, Property Owner)

Code Enforcement Garry McLeod gave a brief summary of his inspection of the subject property. Inspector McLeod stated that the subject property is across from an elementary school and next door to a community center. The overgrown weeds are on the front and side of the property and are two to three feet tall along the public right of way.

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne, to order as follows:

To uphold the City's recommendations.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

7. OTHER BUSINESS

8. ORAL COMMUNICATIONS FROM THE PUBLIC

9. ADJOURNMENT

There was a motion by Commissioner Parsons, seconded by Commissioner Ruscigno to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7:43 p.m. The next regular meeting will be held on Thursday, March 27, 2008 at 6:30 p.m., at the City Hall Council Chambers.